

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH WONG, BOOKER TYLER JOHNSON,
REGINA JACKSON, individually, and on behalf of
all others similarly situated who consent to their
inclusion,

Plaintiffs,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION, NOVARTIS CORPORATION,
NOVARTIS SERVICES INC., and NOVARTIS
FINANCE CORPORATION

Defendants.

USDC SDNY
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ECF CASE
Case No.: 11-civ-4749 (PAC)

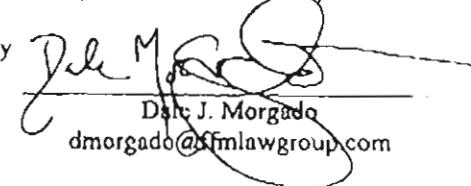
STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between the
undersigned attorneys of record for the parties to the above-captioned action, pursuant to
Fed. R. Civ. P. 41(a)(1)(A)(ii) and the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.
(1938), that the complaint in the above-captioned action be dismissed with prejudice and
without costs to any party as against the other. This stipulation may be filed without
further notice.

April 13, 2012

FELDMAN, FOX & MORGADO, PA

by


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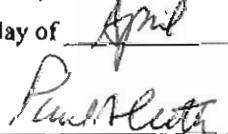
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Attorneys for Defendants

SO ORDERED,
this 16th day of April, 2012:


HON. PAUL A. CROTTY
U.S.D.J.

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April 13, 2012

Wong, et al. v. Novartis Pharmaceuticals Corporation, et al.
11-cv-4749 (PAC)

Dear Judge Crotty:

Pursuant to Rule 1 of Your Honor's Individual Practices, the parties write to report on the status of this matter. Plaintiffs filed a Collective Action Complaint on July 11, 2011 alleging violations of the Fair Labor Standards Act ("FLSA"). Novartis Pharmaceuticals Corporation ("NPC") subsequently moved to transfer venue to the District of New Jersey or, alternatively, the Southern District of Florida. That motion is currently pending before Your Honor. (See Dkt. Nos. 9-18.)

In January 2012, the NPC reached a settlement in the matter of In re Novartis Wage and Hour Litigation, 06-MD-1794 (PAC), a related case also pending before Your Honor. The class and collective action settlement was preliminarily approved on January 25, 2012, and pursuant to the Preliminary Approval Order, the deadline for collective action plaintiffs whose claims against NPC arise under the FLSA to opt in to the settlement is Monday, April 16, 2012. (See Dkt. No. 146.) Each of the three Named Plaintiffs in Wong, et al. v. NPC, et al. is among that group of collective action plaintiffs and is eligible to be a member of the FLSA Settlement Sub-Class II in the In re Novartis Wage and Hour Litigation settlement. Each has agreed to opt in to that settlement by timely submitting an Opt-In and Release Form to the Claims Administrator, and to dismiss the Wong case with prejudice in order fully and finally to resolve all of their pending wage and hour claims against NPC. To defray attorneys' fees and costs, NPC has agreed to pay \$10,000 to Dale Morgado, counsel for Plaintiffs, in the event that the Wong case is dismissed with prejudice.

In light of the foregoing, the parties respectfully request that the Court order the dismissal with prejudice of Wong, et al. v. Novartis Pharmaceuticals Corporation, et al. (11-cv-4749). A proposed Stipulation and Order of Dismissal with

Prejudice is attached hereto. Counsel for Plaintiffs has reviewed this letter and agrees with its content.

Respectfully submitted,



Evan R. Chesler

Hon. Paul A. Crotty
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

VIA FACSIMILE

Encl.

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VIA EMAIL